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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/444,660	11/22/1999	EDWARD J. PETRUS		8939
7590	03/09/2005		EXAMINER	
EDWARD J PETRUS 3413 SPANISH OAK DR AUSTIN, TX 78731			PORTER, RACHEL L	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <i>After the Filing of an Appeal Brief</i>	Application No.	Applicant(s)
	09/444,660	PETRUS, EDWARD J.
	Examiner Rachel L. Porter	Art Unit 3626

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 08 February 2005 is acknowledged.

1.  The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:
  - a.  The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).
  - b.  The affidavit or other evidence is not timely filed before the filing of an appeal brief.  
See 37 CFR 41.33(d)(2).
2.  The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3.  The reply is entered. An explanation of the status of the claims after entry is below or attached.
4.  Other: Claims 1-5 are rejected under 35 U.S.C 103(a) as being unpatentable over Summerell et al (U.S. Patent No. 5,937,387) in view of Riley (U.S. Patent No. 5,976,568). The amendments filed 2/8/05 were apparently made to overcome the 112, 1<sup>st</sup> paragraph and 112, 2<sup>nd</sup> paragraph issues raised in the previous Office Action. However, these changes do not provide any significant distinction over the applied prior art of record.



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